



UNITED STATES PATENT AND TRADEMARK OFFICE

SD

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,137	09/26/2001	Awele Ndili	24286-712	1817

21971 7590 07/12/2005

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,137

Applicant(s)

NDILI, AWELE

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 1 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

PD

DETAILED ACTION

1. This office action is in response to applicant's amendment filed on May 2, 2005. Claims 1-26 are amended.

Response to Arguments

2. The rejections presented in the first office action have been withdrawn because applicant's amendments have overcome the rejections. Specifically, Carlino-Murata does not teach converting the request in regard to whichever of the communication protocol, programming and mark-up language, and natural language format of the request differs between the mobile device and the network site. Nonetheless, the claims stand rejected under the new grounds of rejection below that were necessitated by applicant's amendment.

Claim Objections

3. Claims 1 and 7 are objected to because of the following informalities: "identifying the communication protocol, the programming and mark-up language, and the natural language format employed by the mobile device and the network site". The examiner suggest "identifying the communication protocols, the programming and mark-up languages, and the natural language formats employed by the mobile device and the network site". Appropriate correction is required.

Drawings

4. The examiner acknowledges that applicant has submitted new drawing sheets to overcome the drawing rejections presented in the first office action.

Claim Rejections - 35 USC § 112

5. The examiner acknowledges that applicant has amended the claims to overcome the 35 USC § 112, second paragraph rejections.

Claim Rejections - 35 USC § 101

6. The examiner acknowledges that applicant has amended the claims to overcome the 35 USC § 101 rejections.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5-9, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmor (U.S. 6,601,108, hereinafter "Marmor") in view of Carlino et al. (WO 00/39666, hereinafter "Carlino").

9. With respect to claims 1 and 7, Marmor discloses a method and a device comprising computer executable logic embodied in a computer readable medium (fig. 1A-C – Converter 22) for delivering content to a device (fig. 1A-C – Client 28) from a network site (fig. 1A-C – Server 24) where the device and network site may each employ different natural language formats relative to

Art Unit: 2153

each other, the method comprising the following steps and the device comprising computer executable logic for performing the following steps:

- receiving a communication from the device corresponding to a request for content from the network site (col. 9 line 58);
- identifying the communication protocol (col. 11 lines 19-20, character encoding) and the natural language format (col. 16 lines 13-22) employed by the device (col. 12 lines 25-29) and the network site (col. 11 lines 10-14);
- determining which of the identified communication protocols and natural language formats differ between the device and the network site (col. 13 lines 32-34);
- converting the request in regard to whichever of the communication protocol and natural language format of the request differ between the device and the network site (col. 19 lines 18-22), such that each of the communication protocol and natural language format of the converted request matches the communication protocol and natural language format of the network site (col. 5 lines 3-7);
- converting the content in regard to the communication protocol and natural language format of the content differ between the device and the network site (col. 19 lines 18-22), such that the communication protocol and natural language format of the converted content matches the natural language format of the device (col. 5 lines 3-7); and
- transmitting the converted content to the device in the natural language format of the device (col. 9 lines 59-62).

10. Marmor does not disclose that the device (fig. 1A-C – Client 28) is a mobile device or that the method converts content in different programming and mark-up languages. Nonetheless, a

Art Unit: 2153

method for delivering content to a mobile device that converts content in different programming and mark-up languages was well known in the art, as evidenced by Carlino.

11. In a similar art, Carlino discloses a method for delivering content (fig. 1 – Converted Response) to a mobile device (fig. 1 - 12) that converts content in different programming and mark-up languages (p. 18 lines 7-14).

12. Given the teachings of Carlino it would have been obvious to one of ordinary skill in the art to make the device (Marmor fig. 1A-C – Client 28) a wireless device, thereby providing clients with the flexibility to access the network site (Marmor fig. 1A-C – Server 24) from more locations.

Furthermore, in addition to converting content in different communication formats and natural languages, it would have been obvious to convert content in different programming and mark-up languages, thereby enabling the wireless device to display a full page of text, graphical images, animation, video, or any other content included in an electronic document (Carlino p. 6 lines 13-17).

13. With respect to claims 2 and 8, Marmor-Carlino teaches the method applied to claim 1 and the device applied to claim 7, further comprising signaling the converted request to the network site (Marmor col. 9 lines 59-62).

14. With respect to claims 3, 6, 9, 12, and 19, Marmor-Carlino teaches the method applied to claim 1 and the device applied to claim 7. It was well known in the art to identify conversion preferences by accessing a database comprising properties of different types of mobile devices and using a device ID to make the identification, as evidenced by Carlino.

15. Carlino further discloses identifying conversion preferences by accessing a database comprising properties of different types of mobile devices (p. 14 lines 7-9) and using a device ID to make the identification (p. 18 line 4, device type).

16. Given the further teachings of Carlino it would have been obvious to one of ordinary skill in the art to identify the communication protocol, the programming and mark-up language, and the natural language format employed by the mobile device by accessing a database comprising communication protocol, programming and mark-up language, and natural language format properties of different types of mobile devices and to use a device ID to make the identification. The motivation for doing so would have been so that device properties do not have to be determined on the fly, which could be error prone.

17. With respect to claims 5 and 11, Marmor-Carlino teaches the method applied to claim 1 and the device applied to claim 7, wherein identifying the communication protocol, the programming and mark-up language, and the natural language format employed by the network site comprises querying the network site (Marmor col. 11 lines 10-14, the standards are determined from the server response).

18. With respect to claims 13-14, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7, wherein the logic for converting communications to be exchanged is capable of converting communications between at least three communication protocols (Marmor col. 11 line 28 (English encoding), col. 11 line 43 (Hebrew encoding), col. 14 line 66 (Chinese encoding)).

18. With respect to claims 15-16, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7, wherein the logic for converting communications to be exchanged is capable of converting communications between at least three programming and mark-up languages (i.e. communication protocols) (Carlino p. 19 lines 18-19).

19. With respect to claims 17-18, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7, wherein the logic is capable of converting the communications between at least three different language formats (Marmor col. 11 line 28 (English), col. 11 line 43 (Hebrew), col. 14 line 66 (Chinese)).

20. With respect to claim 20, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7, wherein the logic for converting content is capable of converting the communication to be exchanged between program languages selected from the group consisting of HDML, WML, HTML, MML, and CHTML (Carlino p. 19 lines 6-7).

21. With respect to claim 21, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7, wherein the logic for converting content is capable of converting the communications between natural language formats for countries and geographic regions selected from the groups consisting of Japan, United States of America, Korea, China, and Europe (Marmor col. 14 line 66 (Chinese)).

Art Unit: 2153

22. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmor in view of Carlino, and further in view of Murata et al. (U.S. 5,987,402, hereinafter "Murata").

23. With respect to claims 4 and 10, Marmor-Carlino teaches the method applied to claim 1 and the device applied to claim 7, wherein the communication protocol, the programming language, and the natural language format employed by the network site are determined by analyzing the response (e.g., Marmor col. 11 lines 21-25). Marmor does not expressly disclose accessing a database comprising conversion properties, but doing so was well known in the art, as evidenced by Murata. In a similar art, Murata discloses a method for translating source documents wherein conversion properties are stored in a database (col. 5 lines 5-7). Given the teachings of Murata it would have been obvious to access a database comprising conversion properties, thereby enabling the converter to determine the communication protocol, programming and mark-up language, and natural language from among a plurality of such conversion properties.

24. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmor in view of Carlino, and further in view of Raanan et al. (U.S. 6,311,278, hereinafter "Raanan"), and further in view of Chin et al. (U.S. 5,825,775, hereinafter "Chin").

25. With respect to claims 22-25, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7. Marmor-Carlino does not teach providing a user interface by which a range of different mobile devices which may access content from the network site may be defined based on the communication protocol, programming and mark-up language, and/or natural

Art Unit: 2153

language format employed by the mobile device. Nonetheless, defining a range of different devices which may access content from a network site through a device based on the communication protocol, and programming and mark-up language employed by the mobile device was well known, as evidenced by Raanan.

26. In a similar art, Raanan discloses a device (fig. 1 #14) for defining a range of different devices which may access content from a network site through a device based on an application protocol (col. 5 lines 20-28). Given the teachings of Raanan it would have been obvious to one of ordinary skill in the art to modify the method for delivering content to a mobile device to further comprise computer executable logic for defining a range of different mobile devices which may access content from the network site based on the communication protocol, programming and mark-up language, and/or natural language format employed by the mobile device. The motivation for doing so would have been so that only devices that support communication protocols, programming and mark-up languages, and/or natural language formats that are recognized by the device are allowed to connect to the network site.

28. Marmor-Carlino-Raanan does not expressly teach providing a user interface for managing the range of different mobile devices which may access content from the network site. Nonetheless, providing a user interface for managing a network device was well known, as evidenced by Chin. In a similar art, Chin discloses a user interface for managing a network device (fig. 3). Given the teachings of Chin it would have been obvious to one of ordinary skill in the art to provide a user interface by which the range of different mobile devices which may access content from the network site may be defined based on the communication protocol, programming and mark-up language, and/or natural language format employed by the mobile device. The motivation for doing so would

have been to provide system administrators a convenient method for defining the range of different mobile devices.

29. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marmor in view of Carlino, further in view of borland.com Homepage (4/24/1999, “<http://web.archive.org/web/19990424111631/http://www.borland.com/>”, hereinafter “Borland”).

30. With respect to claim 26, Marmor-Carlino teaches the device for delivering content to a mobile device applied to claim 7. Marmor-Carlino does not teach providing a graphical user interface to enable the rapid development of mobile applications by aiding the process of aggregating instruction sets to be executed in batches. Nonetheless, providing a graphical user interface to enable the rapid development of applications by aiding the process of aggregating instruction sets to be executed in batches was well known, as evidenced by Borland.

31. In a similar art, Borland discloses a graphical user interface to enable the rapid development of applications by aiding the process of aggregating instruction sets to be executed in batches (p.1 paragraph 1). Given the teachings of Borland it would have been obvious to one of ordinary skill in the art to modify the device for delivering content to a mobile device by providing a graphical user interface to enable the rapid development of mobile applications by aiding the process of aggregating instruction sets to be executed in batches. The motivation for doing so would have been to enable the rapid development of mobile applications.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

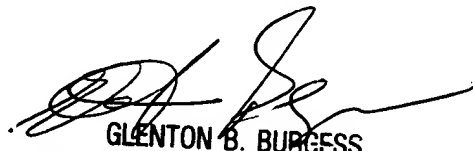
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2153

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100